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IN CLERKS OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 21 2007 ★

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UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

DAVID HEYMAN,

Defendant.

07-CR-69 (JG)

ORDER

And now this 17th day of December, 2007, it is hereby **ORDERED** that defendant David Heyman (Inmate # 74849-053), an inmate in the custody of the United States Bureau of Prisons at FCI Otisville, be released from custody forthwith to receive medical treatment. Travel is restricted to the states of New York and New Jersey. Mr. Heyman must report back to FCI Otisville no later than 1:00 pm on Tuesday, January 15, 2008. Mr. Heyman is to abide by whatever other conditions are deemed appropriate by the United States Probation Department, such as maintaining phone contact during the medical furlough.

BY THE COURT:

s/John Gleeson

John Gleeson, U.S.D.J.

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December 13, 2007

VIA FACSIMILE TO: 718-613-2456

Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, NY 11201

Re: United States v. David Heyman, et al., 07-CR-69 (JG)

Dear Judge Gleeson:

We are the attorneys for David Heyman, defendant in the above-referenced matter, who was sentenced by your Honor on July 20, 2007 to 15 months' incarceration and 400 hours of community service. Mr. Heyman is currently serving the prison portion of his sentence. We write to request that the Court briefly modify Mr. Heyman's sentence by issuing an Order temporarily releasing Mr. Heyman from prison – for a period of approximately 30 days – to receive important medical treatment. We have spoken with Assistant United States Attorney Sean Casey, who consents to this request.

Mr. Heyman, who your Honor permitted to voluntarily surrender, began serving his prison sentence on September 5, 2007 at FCI Otisville. We understand that he has been a model prisoner and has no infractions. This past Monday, December 10, 2007, Mr. Heyman slipped on ice at the prison and fractured his leg close to the ankle, breaking both his tibia and fibula. Mr. Heyman received medical treatment to set ("reduce" in medical terms) the fracture. The same day as the injury, post-reduction x-rays revealed that there was not complete alignment in the setting. Mr. Heyman was placed in a cast from his ankle to his thigh. The orthopedist who treated Mr. Heyman has informed him that Mr. Heyman has two choices – either stay in the cast for the next four months and hope for the best or undergo surgery to reset the fracture to correct the alignment, which will involve inserting a metal plate and screws in Mr. Heyman's leg. Of course, the surgery carries with it the risk of serious infection. If Mr. Heyman elects not to have

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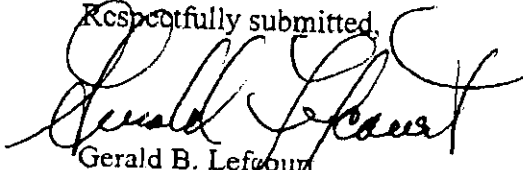
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the surgery, he runs the risk of his leg healing crooked. We are concerned that this could result in a permanent limp for Mr. Heyman, who is just 30 years old. Adding to the difficulty, the orthopedist has advised Mr. Heyman that he has only two weeks – until December 24, 2007 – to have the surgery before the healing process is too far advanced.

Mr. Heyman's father, Dr. Jacob Heyman, is a urologist and has twice called the prison to inquire of his son's medical condition so that he may help Mr. Heyman reach a decision on his medical treatment. Both times, Dr. Heyman spoke with the prison physician at Otisville, Dr. Summers (who is not Mr. Heyman's orthopedist) who has refused to discuss Mr. Heyman's condition at all, citing HIPPA privacy laws, and refused to tell Dr. Heyman the name of the orthopedic surgeon who would be operating on his son. Although Mr. Heyman signed a consent yesterday for his doctors to release any and all medical information to his father, Dr. Summers told Dr. Heyman today that she has not received the release and therefore refused to discuss Mr. Heyman's case.

To avoid permanent injury to this young man and because the window for having the surgery is so short, we respectfully request that the Court issue an Order temporarily releasing Mr. Heyman from prison, for a period of approximately 30 days, to receive outside medical treatment, including having the necessary surgery. Mr. Heyman will of course then return to prison and complete his prison sentence. As noted above, we have discussed this matter with AUSA Casey, who advised us that he consents to this request. A proposed Order is attached hereto.

We thank the Court for its consideration.

Respectfully submitted,

Gerald B. Lefcourt

cc: Sean Casey, Esq.
Assistant United States Attorney
(by fax to: 718-254-7499)